

**Meeting of the Central Valley Flood Protection Board  
September 19, 2008**

**Draft Staff Report  
DWR Floodway Protection Section**

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Item

Consider approval of Permit No. 18316 (Attachment A) to raise existing (to conform to ADA standards) sidewalk and replace existing chain link fence on the landside slope of the left (south) bank levee of the Calaveras River.

Applicant

City of Stockton, Public Works Department

Location

The project is located in Stockton, north of Alpine Avenue on El Dorado Street. (Calaveras River, San Joaquin County see Attachment B).

Description

To raise existing (to conform to ADA standards) 6-foot-wide sidewalk and replace existing chain link fence on the landside slope of the left (south) bank levee of the Calaveras River.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting.
- The San Joaquin County Flood Control & Water Conservation District endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting.

CEQA Findings:

Board staff has prepared the following CEQA findings:

The Board, acting as a responsible agency under CEQA, has independently reviewed the Initial Study, Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (SCH 2006112140, March 2007) for the City of Stockton, El Dorado Street Widening Project prepared by the lead agency, the City of Chico. These documents may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2008/09-19-2008.cfm> under a link for this agenda item.

Mitigation measures were incorporated into the project design to reduce potentially significant impacts to less than significant. Mitigation measures address impacts to:

- aesthetics (replacement of removed trees on residential property, provide streetlight shields to minimize glare, )
- air quality (comply with San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) rules and regulations during construction)
- cultural resources (avoid or mitigate prehistoric or archaeological materials if discovered)
- geology and soils (delineate project boundaries, access routes, staging areas, etc. prior to excavation and construction, minimize ground disturbance and vegetation removal, suspend work during heavy rains, replant exposed soil as soon as practicable, prepare a soils report in order to determine specific design soil compaction requirements for construction areas)
- hydrology / water quality (obtain NPDES permit and implement a storm water pollution prevention plan, apply best management practices, implement a monitoring program, comply with applicable water quality and storm drainage discharge requirements of the City of Stockton Public Works Department, City of Stockton Department of Municipal Utilities, and Regional Water Quality Control Board–Central Valley Region)
- noise (implement construction noise minimization measures and limit construction between 7:00 a.m. and 10:00 p.m.)

Based on its independent review of the City of Stockton's Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Reporting Program the Board finds that although the proposed project could have significant environmental impacts there will be no significant impacts in this case because the City has incorporated mandatory mitigation measures into the project plans that will reduce the level of significance to less than significant after mitigation.

#### Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

#### Staff Recommendation

Staff recommends that the Board adopt the CEQA findings, approve the permit, and direct staff to file a Notice of Determination with the State Clearinghouse.

#### List of Attachments

- A. Permit
- B. Location maps and photos

**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18316 BD**

**This Permit is issued to:**

City of Stockton, Public Works Department  
22 East Weber Street, 3rd Floor  
Stockton, California 95201

To raise existing (conform to ADA standards) 6-foot-wide sidewalk and replace existing chain link fence on the landside slope of the left (south) bank levee of the Calaveras River. The project is located in Stockton, north of Alpine Avenue on Eldorado Street (Section 27, T2N, R6E, MDB&M, San Joaquin County Flood Control and Water Conservation District, Calaveras River, San Joaquin County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18316 BD**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**FOURTEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the herein permitted encroachment(s) and shall defend and hold harmless the Central Valley Flood Protection Board, the State of California, and/or any department(s) thereof and San Joaquin County Flood Control & Water Conservation District from any liability or claim(s) of liability associated therewith.

**FIFTEEN:** The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof San Joaquin County Flood Control & Water Conservation District shall not be held liable for damage(s) to the herein permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

**SIXTEEN:** After tree removal and prior to placement of fill against the levee slope and within 10 feet of the levee toe, all surface vegetation shall be removed to a depth of 6 inches. Stumps and roots larger than 1-1/2 inches in diameter shall be removed to a depth of 3 feet.

**SEVENTEEN:** Compaction tests by a certified soils laboratory will be required to verify compaction of backfill within the levee section or within 10 feet of the levee toe.

**EIGHTEEN:** Cleared trees and brush shall be completely burned or removed from the flood control project works, and downed trees or brush shall not remain in the flood flood control project works

during the flood season from November 1st to April 15th.

NINETEEN: Fill on the levee slope shall be keyed into the existing levee section with each lift.

TWENTY: All fill material shall be imported impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Fill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

TWENTY-ONE: All debris generated by this project shall be disposed of outside the project works.

TWENTY-TWO: The permittee may be required, at permittee's cost and expense, to remove or alter all or any part of the herein permitted project if removal or alteration is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove or modify the herein permitted project at the permittee's expense.

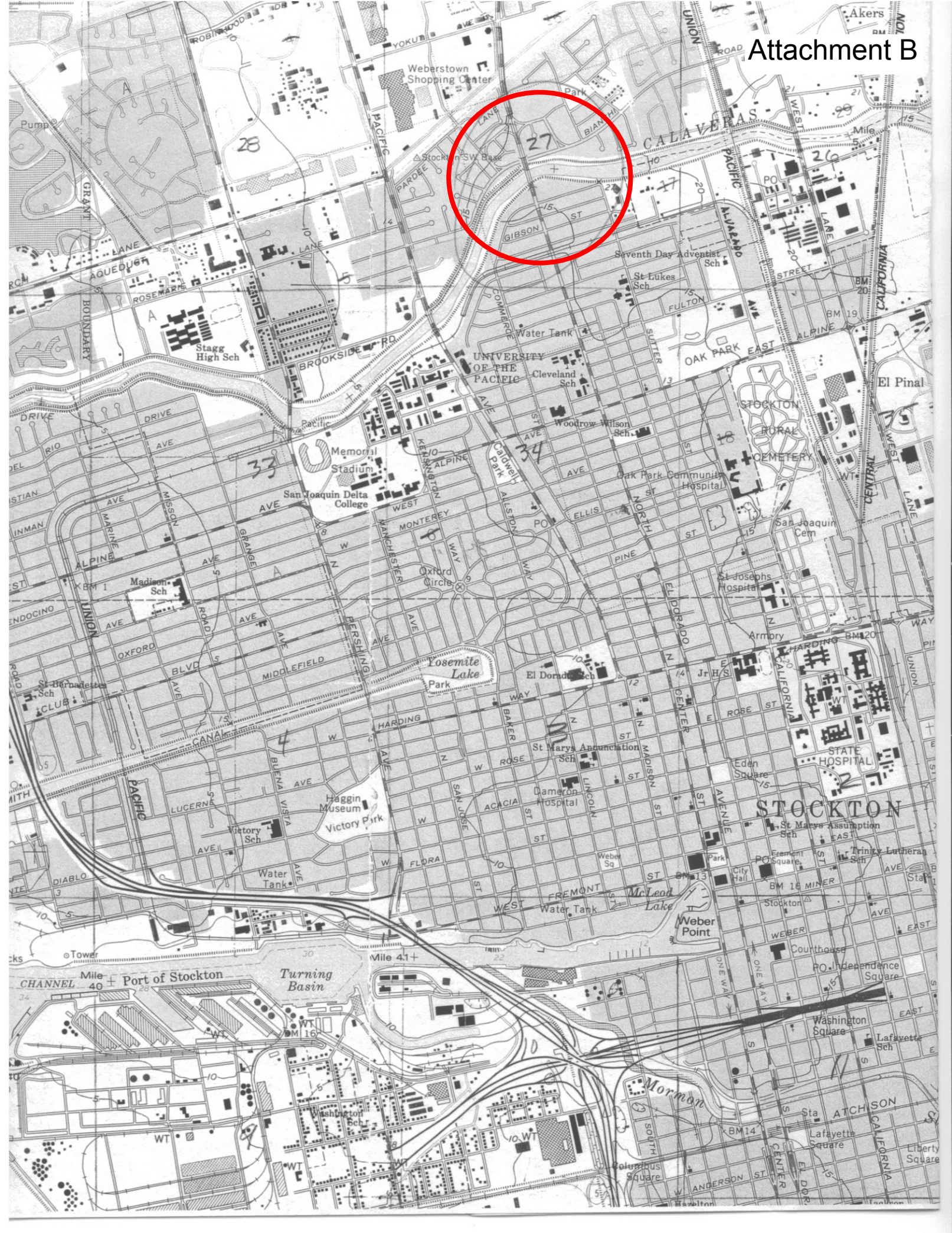
TWENTY-THREE: The permittee shall maintain the herein permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, San Joaquin County flood Control & Water Conservation District or any other agency responsible for maintenance.

TWENTY-FOUR: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

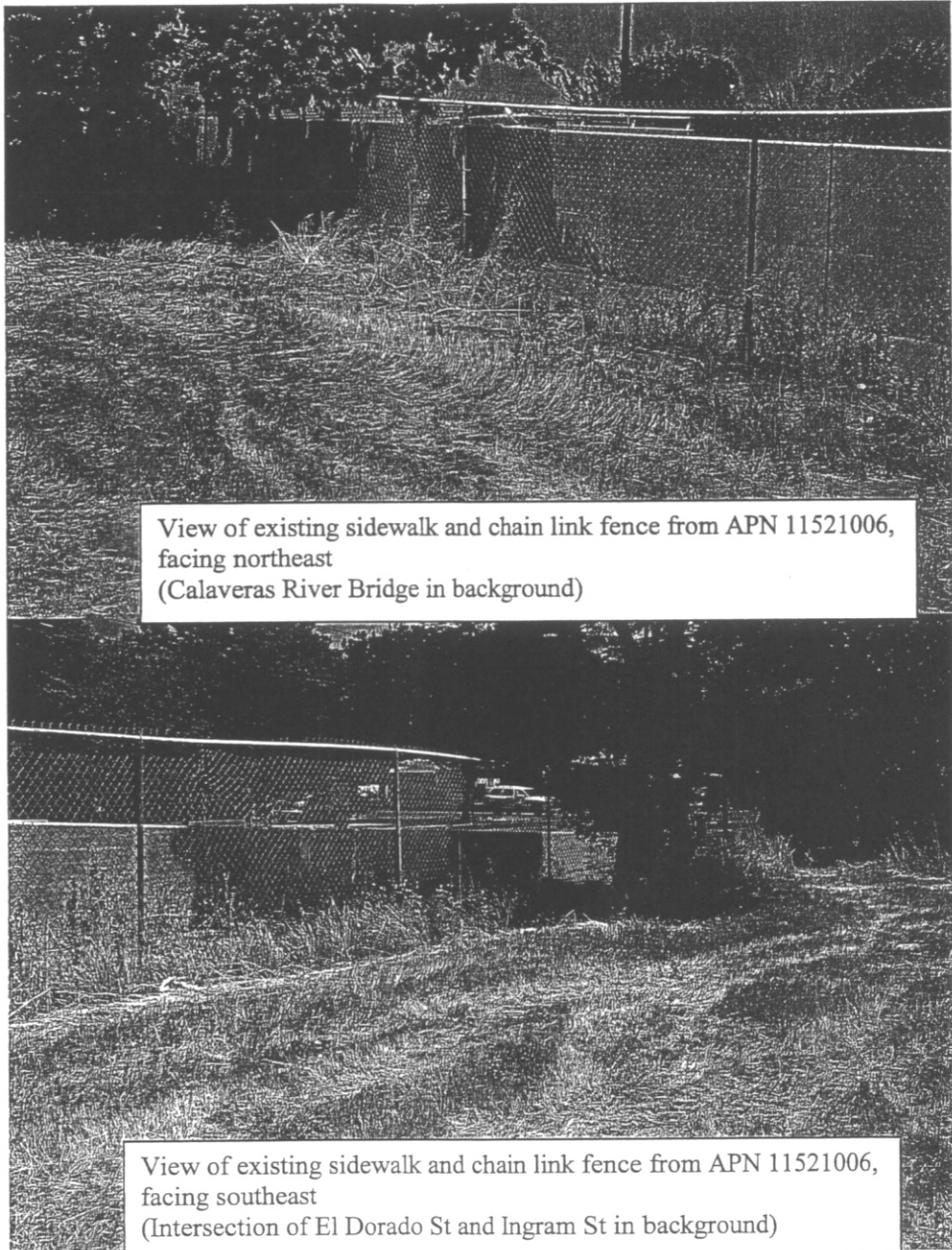
TWENTY-FIVE: The permittee shall comply with all conditions set forth in the letter from San Joaquin County Flood Control & Water Conservation District dated September XX, 2008, which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-SIX: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated September XX, , which is attached to this permit as Exhibit B and is incorporated by reference.









View of existing sidewalk and chain link fence from APN 11521006,  
facing northeast  
(Calaveras River Bridge in background)

View of existing sidewalk and chain link fence from APN 11521006,  
facing southeast  
(Intersection of El Dorado St and Ingram St in background)

NO.	REV.	DATE	BY	APRVD.	APPROVED BY	
DWG BY: MAW					CITY ENGINEER	
CK BY: MAS					DATE	NO.
SCALE: NO SCALE					11/15/07	3/3
PARCEL 11521006						
ENCROACHMENT PERMIT						
CITY OF STOCKTON						
DEPARTMENT OF PUBLIC WORKS						